

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEREK DEXTER SHOULDERBLADE,

Defendant.

CR 17-135-BLG-DLC

ORDER

United States Magistrate Judge Timothy J. Cavan entered Findings and Recommendation in this matter on February 1, 2018. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan recommended this Court accept Derek Dexter Shoulderblade’s

guilty plea after Shoulderblade appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to involuntary manslaughter in violation of 18 U.S.C. §§ 1153(a) and 1112 as set forth in the Superseding Information.

I find no clear error in Judge Cavan's Findings and Recommendation (Doc. 36), and I adopt them in full.

Accordingly, IT IS ORDERED that Derek Dexter Shoulderblade's motion to change plea (Doc. 27) is GRANTED and Derek Dexter Shoulderblade is adjudged guilty as charged in the Superseding Information.

DATED this 16<sup>th</sup> day of February, 2018.



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Dana L. Christensen, Chief District Judge  
United States District Court